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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,477	12/10/2003	Shoji Yamada	P24167	5420

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EXAMINER

NGUYEN, KIMNHUNG T

ART UNIT	PAPER NUMBER
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2629

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/731,477	Applicant(s) YAMADA, SHOJI	
	Examiner Kimnhung Nguyen	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Preliminary Amendment filed on 12/10/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/10/04</u> . | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. Preliminary Amendment filed on 12/10/2003 has been considered.
2. This application has been examined. The claims 1-5 are pending. The examination results are as following.

Claim Rejections - 35 USC § 112

Specification

3. In the Specification, page 11, line 1, the "pat" should change to --pad --. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

5. Claims 1, 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Lai (US 6,252,182).

As to claim 1, Lai discloses in fig. 5, an input element (pressure sensitive pen, col. 2, lines 41-42) used for a touch-pad (touchpad not shown in figs., see col. 3, lines 4-5) disposed to an information processing apparatus, said touch-pad being responsible to changes of a static capacity (see user uses the pressure sensitive to write or draw on the touchpad, see col. 3, lines 9-11), said input element (pressure sensitive pen) comprising a conductive pad contact part (see conductible rubber 142) making a face-to-face contact onto said touch-pad (see col. 3, lines 21-24).

As to claim 3, Lai discloses further, the input element having a pencil shape (see pressure sensitive pen, fig. 2), the input element making an input to said information processing apparatus through said change of said static capacity interfaced by said touch-pad (see user uses the pressure sensitive to write or draw on the touchpad, see col. 3, lines 9-11).

As to claim 4, Lai discloses a method for making an input to an information processing apparatus via a touch-pad as discussed, said touch pad of said information processing apparatus (because the touchpad has to use with a computer input devices such as keyboard or mouse, and allow to a user to write and draw upon the surface of a touch-pad, see background the invention, see col. 1, lines 11-22), said touch-pad being responsible to a change of a static capacity said method comprising the steps of:

providing an input element (see pressure sensitive pen, fig. 5) comprising a conductive pad contact part (see conductible rubber 142, fig. 5) making a face-to-face contact onto said touch-pad (see col. 3, lines 21-24); and

making said input element (pressure sensitive pen, fig. 5) contact to a touch-pad surface in a face-to-face manner such that said static capacity is changed (see user uses the pressure sensitive to write or draw on the touchpad, see col. 3, lines 9-11).

As to claim 5, claim 5 is similar claim 3, and is rejected the same reasons of claim 3.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lai (US 6,252,182) in view of Toyoda et al. (US 5,210,405).

Lai discloses further in fig. 5, the input element (see pressure sensitive pen, fig. 5), the input element further comprising a conductive grip part (see plate 153, see fig. 1, see col. 2, lines 66-67), the grip part (153) and pad contact part (142) is being connected. However, Lai does not disclose the grip part and contact part is being connected via a pivot connection therebetween. Toyoda et al. discloses in fig. 1, a pen-type input device comprising a ball rotatably (6, ball should have a pivot) supported by an end of a pen-like elongate handle (2) and rotatable in response to the movement of the pen-type input device (see abstract, see col. 4, lines 21-28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the pen-type input device comprising a ball rotatably supported by an end of a pen-like elongate handle as taught by Toyoda et al. into the input element with pressure sensitive pen having the grip part and pad contact part is being connected of Lai for producing the claimed invention because this would provide the direction of rotation and the amount of movement of each respective rotating member is detected by the detecting circuit and detected data are sent to a computer whereby a curve corresponding to the movement of the ball is created on a display surface of the computer (see abstract).

Correspondence


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimnhung Nguyen whose telephone number is (571) 272-7698.

The examiner can normally be reached on MON-FRI, FROM 8:30 AM-5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on (571) 272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Kimnhung Nguyen
Patent Examiner
June 14, 2006